

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JOSHUA YARBROUGH, ET AL.,

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§

Plaintiffs,

§

CIVIL NO. 4:19-CV-905-SDJ

vs.

§

GLOW NETWORKS, INC.,

§

§

Defendant.

§

§

**PLAINTIFFS' REPLY IN SUPPORT OF
FIRST SUPPLEMENTAL MOTION FOR REASONABLE FEES AND COSTS**

TO THE HONORABLE SEAN D. JORDAN:

The defendant's opposition to the first supplemental motion cites several entries in which Mr. Sanford recorded a total of 3.50 hours to review the defendant's post-judgment motions, and one entry in which Ms. Sanford recorded 1.00 hour to do the same. The defendant argues the only reasonable inference from these entries is that the lawyers "reviewed the entire post-judgment motion on multiple different days": in other words, they engaged in unreasonable and unnecessary "duplicative work." (Doc. 185 at 2.)

On the contrary: the post-judgment motion is 65 pages long and covers four distinct issues, so it was very reasonable and necessary for the lawyers—as they worked to address the four issues over days of drafting the plaintiffs' opposition—to refer back to the motion and to review the parts relevant to whatever issue they were then working on. "Plaintiff's counsel, of course, is not required to record in great detail how each minute of his time was

expended,” *Hensley v. Eckerhard*, 461 U.S. 423, 437, 103 S. Ct. 1933, 76 L. Ed. 2d 40 (1983), so context is key. *Olibas v. Native Oilfield Servs.*, LLC, 104 F. Supp. 3d 791, 812 (N.D. Tex. 2015) (“supposedly duplicative entries ... relate to matters that counsel would understandably spend multiple days on”). The defendant’s opposition disregards the context and asks the Court to draw the unreasonable inference that each time Mr. Sanford records, for example, 0.50 hour to review the post-judgment motion, he reviewed the entire 65-page post-judgment motion.

The opposition also takes issue with 0.50 recorded by Ms. Sanford to “[r]esearch post judgment discovery requests.” (Doc. 185 at 2.) The context of the entry shows that on July 18, 2022, Mr. Sanford conferred with the plaintiffs regarding the “post-judgment process.” On the same day, Ms. Sanford performed the research that the defendant challenges. The plaintiffs have not yet served post-judgment discovery. Whether that is a sufficient reason to disallow the time is a question the plaintiffs are willing to forego for the present: they agree to exclude this half-hour from this motion, subject to the possibility of including it in a later motion. The lodestar calculation below reflects this reduction of 0.50 hour from Ms. Sanford’s time.

The defendant also challenges the hourly rates sought in the first supplemental motion (Doc. 185 at 1), as it did in opposition to the original motion (Doc. 170 at 9-12). The plaintiffs stand by their rates for the same reasons they stated in their reply in support of the original motion. (Doc. 178 at 1-5.)

Conclusion

On this supplemental motion, the Court should award fees, costs, and postjudgment interest as set forth below:

- a. A fee of \$71,685, detailed as follows:

Lawyer	Hours	Rate	Lodestar Fee
Brian P. Sanford	43.80	\$850	\$37,230.00
Elizabeth "BB" Sanford	46.00	\$400	\$18,400.00
David L. Wiley	3.30	\$650	\$2,145.00
Robert E. McKnight, Jr.	21.40	\$650	\$13,910.00
TOTALS	114.50		\$71,685.00

- b. Costs in the total amount of \$2,287.74.

- c. Postjudgment interest on \$73,972.74 from the date of filing of this motion.

Respectfully submitted,

/s/ Brian P. Sanford

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**ATTORNEYS FOR PLAINTIFFS
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CERTIFICATE OF SERVICE

On September 12, 2022, I served the foregoing document with all exhibits on all counsel of record via the Court's electronic filing system.

/s/ Brian P. Sanford

Brian P. Sanford